



Paper No. 7

Jeffrey B. Oster  
Davis, Wright, Tremaine  
2600 Century Square  
1501 Fourth Avenue  
Seattle, WA 98101

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In re Application of  
Kevin J. Tracey, et al  
Application No. 09/118,388  
Filed: July 17, 1998  
Attorney Docket No. 1101

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**ON PETITION**

This is a decision on the petition under 37 CFR 1.137(b), filed July 20, 1999, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the Office action mailed November 17, 1998. A Notice of Abandonment was mailed on June 18, 1999.

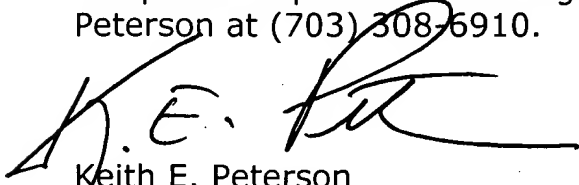
The statement of unintentional delay presented in the petition does not comply with the current rule. Effective December 1, 1997, 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional" be submitted. However, the statement presented will be accepted and construed as meaning that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was

unintentional." If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the \$680.00 extension of time submitted with the petition on July 20, 1999 was subsequent to the maximum period obtainable for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

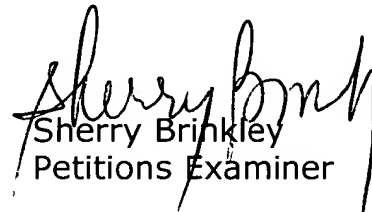
The file is being forwarded to Technology Center 1600 (Art Unit 1613).

Telephone inquiries concerning this matter may be directed to Keith E. Peterson at (703) 308-6910.



Keith E. Peterson  
Legal Instruments Examiner  
Office of Petitions

Office of the Assistant Deputy Commissioner  
for Patent Policy and Projects



Sherry Brinkley  
Petitions Examiner